

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ANITA WATSON,

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§
§

VS.

CIVIL ACTION NO. H-10-1072

HOUSTON HOUSING AUTHORITY,

§

ORDER

On December 28, 2011, Mark Grandich, counsel for the plaintiff, Anita Watson, notified this court that his client had died. He sought a thirty-day continuance of deadlines and noted that no claims in the case survived her death. The motion was granted. On February 22, 2012, counsel filed a Suggestion of Death, (Docket Entry No. 33.), and an Unopposed Motion to Withdraw as Counsel, again noting that no claims survived her death, (Docket Entry No. 34.) The motions were served on the plaintiff's two sons, the only known heirs. Grandich's motion to withdraw is granted. Under the federal rules, "any party" or "the decedent's successor or representative" may file a "motion for substitution" "[i]f a party dies and the claim is not extinguished." FED. R. CIV. P. 25(a)(1). "If the motion is not made within 90 days after the service of a statement noting the death, the action by or against the decedent must be dismissed." *Id.* This court will dismiss this action if a motion to substitute is not filed by May 23, 2012. Any pending motions are denied, without prejudice, as moot.

SIGNED on February 24, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge